

Jose Cerda Godinez

Name

P.O. Box 1989Ely, N.V. 89301# 1237690

Prison Number

Jury DemandUNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jose Cerda Godinez

Plaintiff

vs.

GuzmanE.S.P.
Cert officer,RigneyE.S.P.
Cert officer,Kleer, ME.S.P.
Cert officer,EdwardsE.S.P.
Cert officer,Welland, JE.S.P.
Cert officer,Johnson, S

Defendant(s).

Case No. _____

(Supplied by Clerk of Court)

CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Jose Cerda Godinez,
(print plaintiff's name)

who presently resides at Ely State Prison, were violated by

the actions of the below-named individuals that were directed against Plaintiff at

Ely State Prison

(institution/city where violation occurred)

on the following dates:

1-30-21

(Claim 1)

1-30-21

(Claim 2)

1-30-21

(Claim 3)

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

2) Defendant Guzman resides at (E.S.P), and is
(full name of first defendant) (address of first defendant)
employed as cert officer. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: cert team officer at (E.S.P)

3) Defendant Rigney resides at (E.S.P), and is
employed as cert officer. This defendant is sued in his/her
☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: cert team officer at (E.S.P)

4) Defendant Kleer, M resides at (E.S.P), and is
employed as cert officer. This defendant is sued in his/her
☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: cert team officer at (E.S.P)

5) Defendant Edwards resides at (E.S.P), and is employed as cert officer. This defendant is sued in his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting under color of law: cert team officer at (E.S.P)

6) Defendant Welland resides at (E.S.P), and is employed as cert officer. This defendant is sued in his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting under color of law: cert team officer at (E.S.P)

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

8) Briefly state the background of your case.

Plaintiff was transferred from Warm Springs Correctional Center herein, WSCC to Ely State Prison herein, E.S.P for an alleged staff assault. Upon arrival to (E.S.P) Plaintiff was "ambushed" and assaulted by (E.S.P) cert team I.E named defendants. After the assault Plaintiff was denied medical treatment. Plaintiff believes his 8th amendment Rights have been Violated by the Deliberate Malicious and Sadistic assault Imposed on Plaintiff with no legitimate Penological purpose and the deliberate denial of medical attention and false write-up with the sole purpose to cover up the constitutional Violations Subjected on Plaintiff by the named defendants.

C. CAUSE(S) OF ACTION

CLAIM 1

The following civil rights have been violated: 8th amendment Cruel and Unusual Punishment
8th amendment Deliberate and indifferent to Serious medical needs

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

1. On or about 1.29.21 I was transferred to (E.S.P) from (W.S.C.C) for an alleged staff assault.
2. Upon arrival to (E.S.P) I was "ambushed" by multiple cert team officers at (E.S.P) in retaliation for the alleged staff assault at (W.S.C.C) on or about 1.30.21 around 2-3 Am.
3. I was escorted from the B-Dock hallway at (E.S.P) to the property room and placed in cell #2 by defendants Rigney and Guzman.
4. I was then told to strip by defendant Edwards, present at the time was defendants Johnson, Willard, Kleer, Rigney, and Guzman.
5. I was then told not to make any movement or I would be dropped by defendant Edwards.
6. I then began to follow instructions stripping out when I had nothing on but my shirt with my hands on my head I was punched in the stomach twice by defendant Guzman.
7. I was then hit in the face by defendant Guzman.
8. My feet were pulled out from under me causing my head to hit the bunk by defendant Edwards.
9. I was then punched and stamped on my face and head repeatedly by defendant Rigney.
10. I was then hand cuffed and ankle cuffed by defendant Edwards, At the same time defendant Guzman was punching my ribs and thighs on my right side.

CLAIM 2

The following civil rights have been violated: 8th amendment Cruel and Unusual Punishment and 8th amendment Deliberate and Indifferent to Serious Medical needs

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

11. When they were done with that assault I was allowed up it was difficult to breath and stand I was bleeding from my eyebrows, nose, mouth and ear.

12. Due to my condition two cert tried to dress me but I was hand cuffed defendant Welland got mad at there mistake [REDACTED].

13. Defendants Rigney and Guzman then lifted me on the bunk and slammed my face and head against the wall.

14. Defendant Edwards took off my ankle cuffs put my legs threw the jumpsuit and replaced the ankle cuffs.

15. [REDACTED] defendant Guzman lifted me off the bunk then took my hand cuffs off and twisted my hands backwards up to my shoulder blade. I had Surgery before I was sentenced on my right hand to replace joints.

16. When defendant Guzman twisted my hand my joints popped back out.

17. Dispite my screams of pain defendants Guzman and Edwards continued like nothing happen puting my arm threw each sleeve and cuffing me once again.

18. Defendant Guzman and Edwards then lifted me up on the bunk then slammed my head again before putting on my shoes.

19. They then placed a leash on me and strapped me in a restraint chair I was [REDACTED] then pushed down the hall and was seen by defendant Joine Doe #1 medical nures

CLAIM 3

The following civil rights have been violated: 8th amendment Cruel and Unusual Punishment 8th amendment Deliberate and Indifferent to Serious medical needs

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

20. Jane Doe #1 looked at me and then made one statement "his eyes look dilated but other than that he's fine" despite my clear and visible injuries bleeding eyebrow, nose, mouth, and ear and complaints of excruciating pain Jane Doe #1 refused ^{to} treat and document my serious medical needs.

21. I was then escorted to unit 7 B-02

22. Since then I had no medical attention my face and ankles are scarred my left eye goes blurry randomly I get bad head aches in the morning if my cell is cold my hands go numb and cramps up when I exercise or write letters I am in constant pain Due to the constitutional violations imposed on me by the named defendants.

23. Thereafter, the defendants wrote me up with a false write-up in an attempt to cover up their malicious deliberate and sadistic acts.

24. I have exhausted all claims and allegations Grievance #20063121206 Partially Granted Referred to IG office which has 90 days to respond to No avail.

- 9) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If more than one, describe the others on an additional page answering the following questions.)

- a) Defendants: N/A
- b) Name of court and docket number: N/A
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):
N/A
- d) Issues raised: N/A
- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

- 10) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page answering the following questions.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N/A
- b) Name of court and case number: N/A
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: N/A
- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____ N/A
- b) Name of court and case number: _____ N/A
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: _____ N/A

- e) Approximate date it was filed: _____ N/A
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____ N/A
- b) Name of court and case number: _____ N/A
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: _____ N/A

- e) Approximate date it was filed: _____ N/A
- f) Approximate date of disposition: _____ N/A

D. REQUEST FOR RELIEF

I believe I am entitled to the following relief: Plaintiff in the instant case seeks
compensatory, punitive, and declaratory relief in the amount this court and
the jury sees fit. to restore Plaintiff constitutional Rights

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(name of person who prepared or helped
prepare this complaint if not the plaintiff)

JOSE CERDA GONZALEZ
(signature of plaintiff)

7-21-21
(date)